



MICHAEL A. CARDZOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

August 29, 2011

VIA ECF FILING

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: USA v. City, Civil Action No.: 07 CV 2067 (NGG)(RLM)
Law Dept. No.: 2007-017441

Dear Judge Garaufis:

Defendants submit this letter in response to the Plaintiffs-Intervenors' letter concerning Defendants' Exhibits 21, 22 and 23.

In its August 19, 2011 Order, the Court precluded Professor Eimicke's testimony and admitted "All of the Columbia study reports are received into evidence." (Dkt. Entry 722 at p. 3). As only two Columbia reports were offered into evidence, one by the plaintiffs-Intervenors (Plaintiffs-Intervenors' Ex. A) and one by the defendants, Defendants' Ex. 24, defendants assumed that you were referring to these two exhibits.

As you may recall, defendants explicitly stated in its August 19, 2011 letter which was one of the predicates for your ruling that they were calling Professor Eimicke, for among other reasons to lay the foundation for Defendants' Exhibit 24 (Docket Entry # 720 at p. 3). At no time during the trial, did defendants offer into evidence Defendants' exhibits 21, 22, and 23.

The only Columbia report that Plaintiffs-Intervenors offered into evidence was Plaintiffs-Intervenors' Ex. A.

Defendants, therefore, respectfully object to plaintiff's post trial proffer of these three exhibits.

Thank you very much for your consideration of this matter.

Respectfully submitted,



Michael A. Cardozo